Executive Summary – Enforcement Matter – Case No. 49225 City of Fritch RN101199099 Docket No. 2014-1227-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Fritch Municipal Water Supply, located at the intersection of Pioneer Street and Hackberry Street, Fritch, Hutchinson County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 20, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$3,220

Amount Deferred for Expedited Settlement: \$0 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$3,220 Total Due to General Revenue: \$0

Payment Plan: N/A **SEP Conditional Offset:** \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and April 2014

Executive Summary – Enforcement Matter – Case No. 49225 City of Fritch RN101199099 Docket No. 2014-1227-PWS-E

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: May 28, 2013, August 11, 2014, and September 29, 2014

through October 10, 2014

Date(s) of NOE(s): August 12, 2014

Violation Information

- 1. Failed to maintain pumps, motors, valves and other mechanical devices in good working condition [30 Tex. Admin. Code § 290.46(m)(6)].
- 2. Failed to design the system to afford effective circulation of water with a minimum of dead ends [30 Tex. Admin. Code § 290.44(d)(6)].
- 3. Failed to operate the Facility under the direct supervision of at least two water works operators who hold a Class "C" or higher license [30 Tex. Admin. Code § 290.46(e)(4)(C) and Tex. Health & Safety Code § 341.033(a)].
- 4. Failed to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample and failed to provide public notification and submit a copy of the notification to the Executive Director ("ED") regarding the failure to collect raw groundwater source *Escherichia coli* samples [30 Tex. Admin. Code §§ 290.109(c)(4)B) and 290.122(c)(2)(A) and (f)].
- 5. Failed to provide public notification and submit a copy of the notification to the ED regarding the failure to comply with the maximum contaminant level for total coliform [30 Tex. Admin. Code § 290.122(b)(2)(A) and (f)].
- 6. Failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements [30 Tex. Admin. Code § 290.117(i)(6) and (j)].

Executive Summary – Enforcement Matter – Case No. 49225 City of Fritch RN101199099 Docket No. 2014-1227-PWS-E

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Begin maintaining pumps, motors, valves and other mechanical devices in good working condition, including but not limited to maintaining Service Pump No. 3 at Pump Station No. 1, repairing Service Pump No. 2 so that it is able to operate at full capacity and serve as a back up for Service Pump No. 1, repairing the leaks from Service Pump Nos. 2 and 3 and repairing the valve that controls the flow of water into the 0.045 million gallon ground storage tank;
- ii. Commence operating the Facility under the direct supervision of two water works operators who hold a Class "C" or higher license;
- iii. Begin complying with applicable coliform monitoring requirements by collecting one raw groundwater source *Escherichia coli* sample from each groundwater source in use at the time the distribution coliform-positive sample was collected and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six months of compliant monitoring and reporting;
- iv. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility with a copy to the ED, including but not limited to providing public notification regarding the failure to collect raw groundwater source *Escherichia coli* samples and the failure to comply with the maximum contaminant level for total coliform; and
- v. Mail one copy of the consumer notification of lead tap water monitoring results to persons served at the locations that were sampled for the most recent monitoring period in which lead samples were collected.
- b. Within 45 days:
- i. Submit written certification to demonstrate compliance with Ordering Provisions a.i., a.iv. and a.v.; and

Executive Summary – Enforcement Matter – Case No. 49225 City of Fritch RN101199099

Docket No. 2014-1227-PWS-E

- ii. Submit to the Commission a copy of the consumer notification of lead tap water monitoring results provided to the persons served at the locations that were sampled and the certification that the consumer notification has been distributed to said persons in a manner consistent with TCEQ requirements.
- c. Within 60 days:
- i. Submit written certification to demonstrate compliance with Ordering Provision b.ii.; and
- ii. Provide effective circulation and pressure maintenance within the distribution system.
- d. Within 75 days, submit written certification to demonstrate compliance with Ordering Provision c.ii.
- e. Within 225 days, submit written certification to demonstrate compliance with Ordering Provision a.iii.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Katy Montgomery, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4016; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: The Honorable W. Kelly Henderson, Mayor, City of Fritch, P.O. Box

758, Fritch, Texas 79036

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 DATES Assigned 13-Oct-2014 Screening 22-Oct-2014 **EPA Due** 31-Dec-2014 8-Dec-2014 PCW RESPONDENT/FACILITY INFORMATION Respondent City of Fritch Reg. Ent. Ref. No. RN101199099 Major/Minor Source Major Facility/Site Region 1-Amarillo CASE INFORMATION No. of Violations 1 Enf./Case ID No. 49225 **Docket No.** 2014~1227-PWS-E Order Type Findings Media Program(s) Public Water Supply Government/Non-Profit Yes Enf. Coordinator Katy Montgomery Multi-Media EC's Team Enforcement Team 2 Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$500 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. \$200 Compliance History 40.0% Enhancement Subtotals 2, 3, & 7 Enhancement for four NOVs with the same/similar violations and one Notes agreed order with a denial of liability. 0.0% Enhancement Subtotal 4 \$0 Culpability No The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement* Subtotal 6 \$0 Economic Benefit Total EB Amounts *Capped at the Total EB \$ Amount \$25 Estimated Cost of Compliance SUM OF SUBTOTALS 1-7 \$700 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE \$0 0.0% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage.

Final Penalty Amount

Final Assessed Penalty

Reduction Adjustment

0.0%

No deferral is recommended for Findings Orders.

\$700

\$700

\$0

\$700

Notes

Notes

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicated percentage.

Screening Date 22-Oct-2014

Docket No. 2014-1227-PWS-E

Respondent City of Fritch

Case ID No. 49225

Reg. Ent. Reference No. RN101199099 Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

	ry <i>Site</i> Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	О	0%
	Ple	ease Enter Yes or No	,
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2
eat Violator (N/		rentage (Sub	total 3
	ory Person Classification (Subtotal 7)	· · · · · · · · · · · · · · · · · · ·	
Satisfactory		rentane (Suh	total 7
pliance Histo		contage (Sub	cocur 7
Compliance History Notes	Enhancement for four NOVs with the same/similar violations and one agreed order liability.	with a denial of	
	Total Adjustment Percentage (Subtotals 2	3. & 7
	i otai Aujustinent i ercentaye (- we could be	w/ & A

Screening Date	22-Oct-2014	Docket No. 2014-1227-PWS-E	PCW
Respondent			Policy Revision 2 (September 2002
Case ID No Reg. Ent. Reference No			PCW Revision October 30, 200
	Public Water Supply		
Enf. Coordinator	Katy Montgomery		
Violation Numbe			
Rule Cite(s	30 Tex.	Admin. Code § 290.109(c)(4)(B)	
Violation Description	four active sources within 2	water source Escherichia coli samples from o 24 hours of notification of a distribution total utine sample for the month of September 20	coliform-
		Bas	e Penalty \$1,00
>> Environmental, Prope	ety and Human Health	Matrix	
	Harm		
Release OR Actua		Minor	
Potentia		Percent 50%	
>>Programmatic Matrix			
Falsification	Major Moderate	Minor	
		Percent 0%	
		samples could result in customers of the Faci ich would exceed levels protective of human	
, motes			
		Adjustment	\$500
			\$50
Violation Events			1
Number of	Violation Events 1	1 Number of violation	days
mark only one with an x	daily weekly monthly x quarterly semiannual annual single event	Violation Bas	e Penalty \$50
		<u> </u>	
	One monthly	event is recommended.	
Good Faith Efforts to Con	nply 0.0%		Reduction \$
GOOG FERGI CITOLES TO COL	Before NOV	NOV to EDPRP/Settlement Offer	
	Extraordinary		
	Ordinary X	(mark with x)	
		ent does not meet the good faith criteria for this violation.	
			Subtotal \$50
Economic Benefit (EB) fo	r this violation	Statutory Limit	Test
Estima	ted EB Amount	\$25 Violation Final Pen	alty Total \$70
	This viol	ation Final Assessed Penalty (adjusted f	for limits) \$70

	Ec	onomic E	Benefit V	Vor	ksheet		
Respondent	City of Fritch						
Case ID No.	49225						
leg. Ent. Reference No.	RN101199099						
Media	Public Water S	upply					Years of
Violation No.						Percent Interest	Depreciation
violetion iso	-					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs				,		,	
Equipment				0.00	\$0	\$0	\$0
Buildings	<u> </u>			0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction			111111111111111111111111111111111111111	0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System		 		0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal		ļ		0.00	\$0	n/a	\$0
Permit Costs		 		0.00	\$0	n/a	\$0
Other (as needed)		<u> </u>	<u>L</u>	0.00	\$0	l n/a	<u>\$0</u>
Notes for DELAYED costs							
Avoided Costs	ΔΝΝΙΙΔΙ	TZF [1] avoided	costs before	onterio	na item (excent	for one-time avoi	ded costs)
Disposal	1,,,,,,,,			0.00	\$0	\$0	\$0
Personnel	 	İ		0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]		1		0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$25	22-Sep-2010	23-Sep-2010	0.00	\$0	\$25	\$25
Other (as needed)				0.00	\$0	\$0	\$0
,	The avoided	l costs include the	estimated amo	unt to	collect raw ground	dwater source samp	
Notes for AVOIDED costs	13					24-hour period aft	
	Total Co.	(4-5 per sample			nple result.	pariou uic	2. 2.10 00.1101111
			posit	ive sai	Tiple result.		
Approx. Cost of Compliance		\$25	1		TOTAL		\$25

Penalty Calculation Worksheet (PCW) PCW Revision March 26, 2014 Policy Revision 4 (April 2014) DATES Assigned 18-Aug-2014 22-Oct-2014 Screening 21-Aug-2014 PCW **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent City of Fritch Reg. Ent. Ref. No. RN101199099 Facility/Site Region 1-Amarillo Major/Minor Source Major CASE INFORMATION No. of Violations 3 Enf./Case ID No. 49225 Docket No. 2014-1227-PWS-E Order Type Findings Media Program(s) Public Water Supply Government/Non-Profit Yes Enf. Coordinator Katy Montgomery Multi-Media EC's Team Enforcement Team 2 Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$900 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. 40.0% Enhancement Subtotals 2, 3, & 7 Compliance History \$360 Enhancement for four NOVs with the same/similar violations and one Notes agreed order with a denial of liability. \$0 Culpability No 0.0% Enhancement Subtotal 4 Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement* Subtotal 6 \$0 Economic Benefit Total EB Amounts \$54,911 *Capped at the Total EB \$ Amount Estimated Cost of Compliance \$49,600 SUM OF SUBTOTALS 1-7 \$1,260

Adjustment

Final Penalty Amount

Final Assessed Penalty

0.0% Reduction Adjustment

\$0

\$1,260

\$1,260

\$1,260

\$0

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

No deferral is recommended for Findings Orders.

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

STATUTORY LIMIT ADJUSTMENT

DEFERRAL

Notes

PAYABLE PENALTY

Docket No. 2014-1227-PWS-E

Screening Date 21-Aug-2014

Respondent City of Fritch

Case ID No. 49225

Reg. Ent. Reference No. RN101199099

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Compliance History Worksheet

Component	Number of Written notices of violation ("NOVs") with same or similar violations as those in		Adjust
NOVs	the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audito	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2
eat Violator (
N/A	Adjustment Per	centage (Sub	total 3
pliance Histo	ory Person Classification (Subtotal 7)		
Satisfactory	Performer Adjustment Per	centage (Sub	total 7
pliance Histo	ory Summary		
Compliance History Notes	Enhancement for four NOVs with the same/similar violations and one agreed orde of liability.	r with a denial	
Notes	Total Compliance History Adjustment Percentage (S	Subtotals 2, 3	3, & <i>7</i>

Screening Date	-	
Respondent Case ID No.	49225	Policy Revision 4 (April 2014) PCW Revision March 26, 2014
Reg. Ent. Reference No.		
Media [Statute] Enf. Coordinator	Public Water Supply	
Violation Number	Raty Montgomery	
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(6)	
Violation Description	Failed to maintain pumps, motors, valves and other mechanical deworking condition. Specifically, it was documented that Service Pump Station No. 1 has not been maintained in working condition, No. 2 is maintained as a back up for Service Pump No. 1, but it is operate at full capacity, Service Pump Nos. 2 and 3 are leaking erunning and the valve that controls the flow of water into the 0.04 ("MG") ground storage tank is not functioning.	rump No. 3 at Service Pump s not able to ven when not
		Base Penalty \$1,000
>> Environmental, Proper	ty and Human Health Matrix	
Release	Harm Major Moderate Minor	
OR Actual Potential		5.0%
>>Programmatic Matrix		5.0 70
Falsification	Major Moderate Minor	***************************************
<u> </u>	Percent	0.0%
Matrix Failure to pr	perly maintain the Facility's equipment could expose customers of t	he Facility to a
	nount of contaminants which would not exceed levels protective of l	
	Adjustment	\$850
		\$150
Violation Events		
Number of '	/iolation Events 10 Number of vio	lation days
mark only one with an x	daily weekly monthly quarterly x semiannual annual single event	n Base Penalty \$450
Three quarter	ly events are recommended, one for each device, calculated from the date, August 11, 2014, to the screening date, August 21, 2014.	ie record review
Good Faith Efforts to Com	0.0%	Reduction \$(
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary Ordinary	
	N/A x (mark with x)	
	Notes The Respondent does not meet the good faith criter	ia for
		lation Subtotal \$45
Economic Benefit (EB) for		
Estimat	ed EB Amount \$386 Violation Fina	al Penalty Total \$630
	This violation Final Assessed Penalty (adju	sted for limits) \$630

	ECU	onomic E	enent A	v Oi i	Koneel		
Respondent	City of Fritch	one of the second secon					
Case ID No.	49225						
lea. Ent. Reference No.	RN101199099						
	Public Water S	vlaau					Years of
Violation No.		αρρ. <i>η</i>				Percent Interest	Depreciation
violation no.	1					5.0	. 15
			Plant Bata		T		EB Amount
		Date Required	Final Date	113	Interest Saved	Onetime Costs	CO AUIUUIR
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$3,000	28-May-2013	31-Mar-2015		\$18	\$368	\$386
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	1/2	\$0
Training/Sampling				0.00	\$0	11/8	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
				0.00 nt to re	\$0 epair Service Pump	n/a p Nos. 2 and 3 at Pu	\$0 mp Station No.
Permit Costs	1 and the valv date of t	e that controls the investigation i	ne flow of water nitially documer	0.00 nt to re into the nting th	\$0 epair Service Pump e 0.045 MG groun e violation to the	n/a	\$0 imp Station No. ulated from the impliance.

Screening	Date 21-Au	g-2014	Docket I	∜o. 2014-1227-PWS-E	PCW
	ndent City of				Policy Revision 4 (April 2014)
Case I	D No. 49225				PCW Revision March 26, 2014
Reg. Ent. Reference	e No. RN101	.199099			a periodical designation of the second secon
Media [Sta	i tute] Public	Water Supply			a
Enf. Coordi		1ontgomery			THE STATE OF THE S
Violation N		2			
Rule	Cite(s)	30	Tex. Admin. Code § 29	90.44(d)(6)	
				ulation of water with a minim	
Violation Desc	ription distr	ribution system has neen the former Hi-Te	ot been possible due to	o having only one interconnection in the rest of the r	ction
NATURAL DESCRIPTION OF THE PROPERTY OF THE PRO				Base Pe	enalty \$1,000
>> Environmental, F	roperty an	d Human Healtl	n Matrix		
		Harm	Minor		
OR	Actual	lajor Moderate	1411101		· · · · · · · · · · · · · · · · · · ·
	otential	x		Percent 30.0%	
	1			<u> </u>	
>>Programmatic Ma		Asiar Madarata	Minor		
Faisir	ication M	lajor Moderate	Minor	Percent 0.0%	
				Percent 0.070]	
Fa	ilure to provide	e effective circulation	of water within the dis	tribution system could result	in
Matrix custo				would exceed levels protective	
Notes			human health.		
					4700
				Adjustment	\$700
					\$300
Violation Events					
Nun	nber of Violatio	on Events 1	10	Number of violation day	S
	######################################	daily	4		
	######################################	eekly x	-		
	only one	arterly X	=	Violation Base Po	enalty \$300
with	dii X	iannual	_		,
	# CONTRACTOR PROPERTY PROPERT	nnual			
	sing	le event			
ſ 		1111111			
One r	monthly event			d review date, August 11, 20:	14, to
		the screen	ing date, August 21, 2	014.	
					40
Good Faith Efforts to	o Comply	0.09 Before NOE/NO			uction \$0
	Extra	aordinary	W NOL/NOV to EDIKI/Set		
		Ordinary			***************************************
		N/A x	(mark with x)		
) 1
		Notes The Respon	this violatio	he good faith criteria for n.	иминини
				Violation Su	btotal \$300
Economic Benefit (E	R) for thic	violation		Statutory Limit Te	ıct
	**************************************		\$673		
D	Estimated EB			Violation Final Penalty	
		inis v	iviation Final Assess	ed Penalty (adjusted for I	imits) \$420

	Ec	onomic E	3enefit \	Vor	ksheet		
Respondent	City of Fritch		••••				
Case ID No.							
leg. Ent. Reference No.					1		
	Public Water S	upply				Percent Interest	Years of
Violation No.	2			********			Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						

Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	28-May-2013	30-Apr-2015	1.92	\$32	\$641	\$673
Land		4		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0 \$0	n/a	\$0 \$0
Training/Sampling Remediation/Disposal				0.00	\$0	n/a n/a	\$0 \$0
Permit Costs		 	 	0.00	\$0 \$0	n/a	\$0 \$0
Other (as needed)			of min's	0.00	\$0 \$0	n/a	\$0 \$0
Notes for DELAYED costs	allow for ef	fective circulation initially docur	and pressure n menting the viol	naintena ation to	ance, calculated fr the estimated da		nvestigation
Avoided Costs Disposal	ANNUAL	IZE [1] avoided	costs before	o.oo	g item (except) \$0	for one-time avoid	led costs) \$0
Personnel		1		0.00	\$0	\$0	\$0
nspection/Reporting/Sampling		1		0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	
				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00			\$0 \$0
ONE-TIME avoided costs [3] Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0
							\$0 \$0

Screening Date	21-Aug-2014	Docket No. 2014-1227-PWS-E	PCW
Respondent			Policy Revision 4 (April 2014)
Case ID No.			PCW Revision March 26, 2014
Reg. Ent. Reference No.			
	Public Water Supply		
Enf. Coordinator			
Violation Number		200 46(a)(4)(6) and Tay Health 9 Cafety Code 6	
Rule Cite(s)	30 Tex. Admin. Code §	3 290.46(e)(4)(C) and Tex. Health & Safety Code § 341.033(a)	
00000	<u> </u>		

Violation Description		under the direct supervision of at least two water was "C" or higher license. Specifically, the Responde	
violation Description		ater works operator with a Class "C" license.	110
	Cinpio, 3 cuit in	The Market operator they a blade factor	
		Base Pe	nalty \$1,000
>> Environmental, Proper	ty and Human Health	Matrix	
>> Cuvilonniental, Fropei	Harm	riusi in	
Release	Major Moderate	Minor	
OR Actual			
Potential	x	Percent 15.0%	
>>Programmatic Matrix Falsification	Major Moderate	Minor	
Faisincación	Major Moderate	Percent 0.0%	
<u> </u>	<u> </u>		
Failure to per	form process control duties u	nder the direct supervision of two appropriately lice	nsed
Matrix water wo		e customers of the Facility to a significant amount o	
		t exceed levels protective of human health.	
<u> </u>			
		Adjustment	\$850
			\$150
			3130
Violation Events			

Number of '	Violation Events 1	10 Number of violation days	
	dany	٦	
	weekly	4	
Historian	monthly		
mark only one	quarterly x	Violation Base Pe	nalty \$150
with an x	semiannual		
	annual		
	single event		
One guarterly	event is recommended, calc	ulated from the record review date, August 11, 201	4, to
		ng date, August 21, 2014.	, I
Listing	7.000		
Good Faith Efforts to Com	ply 0.0%	Redi	iction \$0
	Before NOE/NOV		
	Extraordinary		
	Ordinary		
	N/A x	(mark with x)	
	The Berner	dent does not meet the good faith criteria for	
	Notes The Respon	this violation.	
	<u> </u>		
		Milland Coll	*a+a1 #150
		Violation Sub	total \$150
Economic Benefit (EB) for	this violation	Statutory Limit Te	st
Estimat	ed EB Amount	\$53,852 Violation Final Penalty	Total \$210
	This vi	olation Final Assessed Penalty (adjusted for li	mits) \$210

Violation No.						Percent Interest	Years of Depreciation
	Them Cost					5.0	. 1
	No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	no cumma ca ş						
Delayed Costs				,,			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		 		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/Construction Land				0.00	\$0 \$0	50 8/8	\$0 \$0
Record Keeping System				0.00	\$0 \$0	n/a	\$0 \$0
Training/Sampling				0.00	\$0 \$0	n/a	\$0
Remediation/Disposal							
				11 11 1111 1	\$ ()	nua .	80
				0.00	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs Other (as needed)				0.00	######################################	nya nya nya nya	\$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	ANNUAL	IZE [1] avoided	costs before	0.00 0.00	\$0 \$0	n/a n/a for one-time avoid	\$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal				0.00 0.00 enterir	\$0 \$0 ng item (except	n/a n/a for one-time avoid	\$0 \$0 ded costs)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	ANNUAL \$41,600		costs before	0.00 0.00 enterir 0.00 1.23	\$0 \$0 ng item (except \$0 \$2,564	n/a n/a for one-time avoid \$0 \$51,288	\$0 \$0 ded costs) \$0 \$53,852
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel (Inspection/Reporting/Sampling				0.00 0.00 enterir 0.00 1.23 0.00	\$0 \$0 *********************************	n/a n/a - - - - - - - - - - - - - - - - - - -	\$0 \$0 ded costs) \$0 \$53,852 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment				enterir 0.00 0.00 0.00 1.23 0.00 0.00	\$0 \$0 *********************************	n/a n/a for one-time avoid \$0 \$51,288 \$0 \$0	\$0 \$0 ded costs) \$0 \$53,852 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling				0.00 0.00 enterir 0.00 1.23 0.00	\$0 \$0 *********************************	n/a n/a - - - - - - - - - - - - - - - - - - -	\$0 \$0 ded costs) \$0 \$53,852 \$0

Penalty Calculation Worksheet (PCW) Policy Revision 4 (April 2014) PCW Revision March 26, 2014 DATES Assigned 13-Oct-2014 Screening 22-Oct-2014 PCW 12-Dec-2014 **EPA Due** 31-Dec-2014 RESPONDENT/FACILITY INFORMATION Respondent City of Fritch Reg. Ent. Ref. No. RN101199099 Facility/Site Region 1-Amarillo Major/Minor Source Major CASE INFORMATION Enf./Case ID No. 49225 Docket No. 2014-1227-PWS-E Media Program(s) Public Water Supply No. of Violations 3 Order Type Findings Government/Non-Profit Yes Enf. Coordinator Katy Montgomery Multi-Media EC's Team Enforcement Team 2 Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000

Penalty Calculation Section	
TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1	\$900
ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History 40.0% Enhancement Subtotals 2, 3, & 7	\$360
Notes Enhancement for four NOVs with the same/similar violations and one agreed order with a denial of liability.	
Culpability No 0.0% Enhancement Subtotal 4	\$0
Notes The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments Subtotal 5	\$0
Economic Benefit 0.0% Enhancement* Subtotal 6 Total EB Amounts \$91 *Capped at the Total EB \$ Amount Estimated Cost of Compliance \$85	\$0
SUM OF SUBTOTALS 1-7 Final Subtotal	\$1,260
OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Reduces or enhances the Final Subtotal by the indicated percentage.	\$0
Notes	
Final Penalty Amount	\$1,260
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty	\$1,260
DEFERRAL Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.) Adjustment	\$0
Notes No deferral is recommended for Findings Orders.	
PAYABLE PENALTY	\$1,260

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Respondent City of Fritch Case ID No. 49225

Reg. Ent. Reference No. RN101199099 Media [Statute] Public Water Supply Enf. Coordinator Katy Montgomery

Compliance History Worksheet

LOM	ponent	ry <i>Site</i> Enhancement (Subtotal 2) Number of	Enter Numb	er Here	Adjust.
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4		20%
		Other written NOVs	0		0%
		Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1		20%
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0		0%
	dgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0		0%
1	Consent ecrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0		0%
Coi	nvictions	Any criminal convictions of this state or the federal government (number of counts)	0		0%
Er	nissions	Chronic excessive emissions events (number of events)	0		0%
	Audite	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0		0%
Audits		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0 		0%
			ease Enter Y		T
		Environmental management systems in place for one year or more	No		0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No		0%
		Participation in a voluntary pollution reduction program	No		0%
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No		0%
		Adjustment Per	rcentage	(Sub	total 2)
peat'	Violator (Subtotal 3)			
	N/A	Adjustment Per	rcentage	(Sub	total 3)
mplia	nce Histo	ry Person Classification (Subtotal 7)			
Sa	tisfactory	Performer Adjustment Per	rcentage	(Sub	total 7)
mplia	nce Histo	ry Summary			
	mpliance listory Notes	Enhancement for four NOVs with the same/similar violations and one agreed order of liability.	er with a d	denial	

\$50,000,000,000,000,000,000,000,000,000,		22-Oct-2014		Docket No. 201	4-1227-PWS-E	PCW
\$6000000000000000000000000000000000000	espondent	•				Policy Revision 4 (April 2014)
Reg. Ent. Ref	ase ID No. erence No.					PCW Revision March 26, 2014
		Public Water Su	ylqqı			
Enf. C	oordinator	Katy Montgome				
Viola	tion Number	السنسسسسين السا				
	Rule Cite(s)	30 Tex. A	Admin. Code §§ 290.	109(c)(4)(B) and 29	0.122(c)(2)(A) and (f)	
Violation	n Description	active sources result on a rout of the notific groundwater sc 12 of the requi positive re groundwater sc month of July	within 24 hours of n cine sample and faile cation to the Executi burce Escherichia col ired 32 raw groundw esults during the mor burce Escherichia col 2013 and did not pr	otification of a distrib d to provide public no ve Director regarding i samples. Specifical vater source Escherical tho of May 2013, two i samples for the eight rovide public notificat	oli samples from the ei bution total coliform-pos otification and submit a i the failure to collect ra ly, the Respondent coll- hia coli samples for the of the required 16 raw nt positive results durin ion regarding the failur is for the months of May	sitive a copy aw lected a four v ng the e to
			*		Base Pe	enalty \$1,000
>> Environmer	stal Bease		an Uaaliia Mate			
>> Environmer	ital, rrope	rty and num	Harm	ıx		
OR	Release Actual	Major	Moderate Mir	nor		
UK .	Potential	x		Pei	rcent 30.0%	
			*		Description of the second of t	
>>Programma	Falsification	Major	Moderate Mir	nor		
				Per	rcent 0.0%	
	Follows to as	alloct row graving	luntar cource compl	oc and provide public	notification could recu	it in
Matrix					notification could resu which would exceed lev	
Notes			protective of h	uman health.		
				Adiust	ment	\$700
				Adjust	ment	
				Adjust	ment	\$700
Violation Event	s			Adjust	ment	
Violation Event		Violation Events¶	2		ment	
Violation Event		L.	<u> </u>			
Violation Event		dally	2			
Violation Event	Number of \	L.	2		nber of violation days	\$300
Violation Event		dally weekly monthly quarterly				\$300
Violation Event	Number of \	daily weekly monthly			nber of violation days	\$300
Violation Event	Number of \	dally weekly monthly quarterly semiannual			nber of violation days	\$300
Violation Event	Number of \	dally weekly monthly quarterly semiannual annual single event	: X : 111 : X :	Nur 2 ···································	nber of violation days	\$300
Violation Event	Number of \	dally weekly monthly quarterly semiannual annual single event		Nur 2 ···································	nber of violation days	\$300
Violation Event	Number of N mark only one with an x	dally weekly monthly quarterly semiannual annual single event	: X : 111 : X :	Nur 2 ···································	nber of violation days Violation Base Pe	\$300 enalty \$600
	Number of N mark only one with an x	dally weekly monthly quarterly semiannual annual single event	x X X X X X X X X X X X X X X X X X X X	Nur 2 ···································	nber of violation days Violation Base Pe	\$300 enalty \$600
	Number of N mark only one with an x	dally weekly monthly quarterly semiannual annual single event ply Extraordinary	Two monthly events	2 Nur	nber of violation days Violation Base Pe	\$300 enalty \$600
	Number of N mark only one with an x	dally weekly monthly quarterly semiannual annual single event	Two monthly events	are recommended.	nber of violation days Violation Base Pe	\$300 enalty \$600
	Number of N mark only one with an x	dally weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A	Two monthly events 0.0% efore NOE/NOV NOE/NO X (mark w	are recommended.	nber of violation days Violation Base Pe Reduc	\$300 enalty \$600
	Number of N mark only one with an x	dally weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	Two monthly events 0.0% efore NOE/NOV NOE/NO X (mark w	are recommended.	nber of violation days Violation Base Pe Reduc	\$300 enalty \$600
	Number of N mark only one with an x	dally weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A	Two monthly events 0.0% efore NOE/NOV NOE/NO X (mark w	are recommended. OV to EDPRP/Settlement (with x) es not meet the good	violation days Violation Base Pe Reduc	\$300 \$300 \$600 \$600 \$600
	Number of N mark only one with an x	dally weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A	Two monthly events 0.0% efore NOE/NOV NOE/NO X (mark w	are recommended. OV to EDPRP/Settlement (with x) es not meet the good	nber of violation days Violation Base Pe Reduc	\$300 \$300 \$600 \$600 \$600
	Number of Number	dally weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A Notes	Two monthly events 0.0% efore NOE/NOV NOE/NO X (mark w	are recommended. OV to EDPRP/Settlement (with x) es not meet the good this violation.	violation days Violation Base Pe Reduc	\$300 \$300 \$600 \$600 \$0
Good Faith Effo	Mumber of Number	dally weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A Notes	Two monthly events 0.0% efore NOE/NOV X (mark w The Respondent doe	are recommended. DV to EDPRP/Settlement Continue to the set of th	wiolation days Violation Base Pe Reduce faith criteria for Violation Sub	\$300 \$300 \$600 \$600 \$000 \$1
Good Faith Effo	Mumber of Number	dally weekly monthly quarterly semiannual annual single event	X Two monthly events 0.0% efore NOE/NOV NOE/NO X (mark w The Respondent doe	are recommended. DV to EDPRP/Settlement (with x) es not meet the good this violation. State \$906 Vio	violation Base Pe Reduce Faith criteria for Violation Sub	\$300 \$300 \$600 \$600 \$000 \$1 \$840

Case ID No.							
Reg. Ent. Reference No.							
	Public Water S	Supply				Percent Interest	Years of
Violation No.	1						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	29-Sep-2014	31-May-2015	0.67	\$3	n/a	\$3
Training/Sampling Remediation/Disposal	\$100	29-Sep-2014	31-May-2015	0.00	\$0	n/a	\$0
Training/Sampling	The delaye	ed cost includes t training to ensur	he estimated an e that all necess	0.00 0.00 0.00 nount to	\$0 \$0 \$0 0 develop and imp olic notifications ar		\$0 \$0 \$0 and conduct ely manner,
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	The delaye employee	ed cost includes t training to ensur slculated from the	he estimated an e that all necess e date of the rec	0.00 0.00 0.00 nount to ary pub ord rev	\$0 \$0 \$0 o develop and imp olic notifications ar iew to the estimat	n/a n/a n/a lement procedures re provided in a tim red date of compliar	\$0 \$0 \$0 and conduct ely manner, nce.
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	The delaye employee	ed cost includes t training to ensur slculated from the	he estimated an e that all necess e date of the rec	0.00 0.00 0.00 nount to ary pub ord rev	\$0 \$0 \$0 develop and imp olic notifications ar iew to the estimat og item (except	n/a n/a n/a lement procedures re provided in a tim ted date of complian for one-time avoi	\$0 \$0 \$0 and conduct ely manner, nce. ded costs)
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	The delaye employee	ed cost includes t training to ensur slculated from the	he estimated an e that all necess e date of the rec	0.00 0.00 0.00 nount to ary pub ord rev enterin	\$0 \$0 \$0 develop and imp olic notifications are iew to the estimating item (except) \$0	n/a n/a n/a lement procedures re provided in a tim red date of compliar	\$0 \$0 \$0 and conduct ely manner, nce. ded costs)
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	The delaye employee	ed cost includes t training to ensur slculated from the	he estimated an e that all necess e date of the rec	0.00 0.00 0.00 nount to ary pub ord rev	\$0 \$0 \$0 develop and imp olic notifications ar iew to the estimat og item (except	n/a n/a n/a lement procedures re provided in a tim ted date of compliar for one-time avoi	\$0 \$0 \$0 and conduct ely manner, nce. ded costs)
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	The delaye employee	ed cost includes t training to ensur slculated from the	he estimated an e that all necess e date of the rec	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	\$0 \$0 \$0 develop and impolic notifications ariew to the estimates 19 Item (except \$0 \$0 \$0 \$0	n/a n/a n/a n/a lement procedures re provided in a tim ted date of compliar for one-time avoi \$0 \$0 \$0 \$0	\$0 \$0 \$0 and conduct ely manner, nce. ded costs) \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	The delayer employee ca	ed cost includes t training to ensur alculated from the IZE [1] avoided	he estimated ame that all necessed date of the rec	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	\$0 \$0 \$0 0 develop and imp olic notifications are iew to the estimat so item (except) \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a lement procedures re provided in a tim led date of compliar for one-time avoi \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 and conduct ely manner, ice. ded costs) \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The delaye employee ca	ed cost includes t training to ensur alculated from the IZE [1] avoided	he estimated ame that all necessed date of the rec	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	\$0 \$0 \$0 develop and impolic notifications are iew to the estimate \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a lement procedures re provided in a tim led date of compliar for one-time avoi \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 and conduct ely manner, nce. ded costs) \$0 \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] ONE-TIME avoided costs [3]	The delayer employee ca	ed cost includes t training to ensure solculated from the IZE [1] avoided	he estimated and the that all necessed date of the reconstruction	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 develop and impolic notifications ariew to the estimate of item (except) \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a lement procedures re provided in a tim red date of compliar for one-time avoi \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 and conduct ely manner, nce. ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The delayer employee ca ANNUAL \$500 \$350 \$50	ed cost includes t training to ensure social ted from the IZE [1] avoided 	he estimated and the that all necessed date of the reconstruction	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 1.33	\$0 \$0 \$0 develop and impolic notifications ariew to the estimate of item (except) \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a lement procedures re provided in a tim red date of compliar for one-time avoi \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 and conduct ely manner, nce. ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$50 \$50 \$50 \$50 \$5
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] ONE-TIME avoided costs [3]	The delayer employee ca ANNUAL \$500 \$350 \$50 The avoided	ed cost includes t training to ensure social teach from the IZE [1] avoided 	he estimated and the that all necessed date of the reconstruction	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 1.33	\$0 \$0 \$0 develop and impolic notifications ariew to the estimate so the state of th	n/a n/a n/a lement procedures re provided in a tim red date of compliar for one-time avoi \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 and conduct ely manner, nce. ded costs) \$0 \$0 \$0 \$0 \$0 \$500 \$350 \$53 les from each
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] ONE-TIME avoided costs [3]	The delayer employee ca ANNUAL \$500 \$350 \$50 The avoided active source	ed cost includes t training to ensur- siculated from the IZE [1] avoided 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	he estimated and the that all necessed date of the recent costs before the recent costs and the recent costs and the recent costs are recent costs are recent costs and the recent costs are recent costs are recent costs and the rec	0.00 0.00 0.00 0.00 nount to ary put ord rev enterin 0.00 0.00 0.00 0.00 0.00 0.00 1.33	\$0 \$0 \$0 develop and impolic notifications ariew to the estimates of the street of the	n/a n/a n/a lement procedures re provided in a tim ted date of compliar for one-time avoi \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 and conduct ely manner, nce. ded costs) \$0 \$0 \$0 \$0 \$0 \$500 \$350 \$53 les from each
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] ONE-TIME avoided costs [3]	The delayer employee ca ANNUAL \$500 \$350 \$50 The avoided active source missed same	ed cost includes the training to ensure solulated from the solution from t	he estimated ame that all necesse date of the recent costs before 2-Jun-2013 31-Jul-2013 31-Jul-2013 estimated ame sering period), ca	o.00 o.00 o.00 o.00 o.00 o.00 o.00 o.00	\$0 \$0 \$0 \$0 develop and impolic notifications ariew to the estimate of the state of	n/a n/a n/a lement procedures re provided in a tim ted date of compliar for one-time avoi \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1 \$0 \$1 \$0 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1	\$0 \$0 \$0 and conduct ely manner, nce. ded costs) \$0 \$0 \$0 \$0 \$50 \$50 \$53 les from each sample x 14 iform-positive
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	The delayer employee ca ANNUAL \$500 \$350 \$50 The avoided active source missed sample res	ed cost includes the training to ensurable lateral from the lateral from t	he estimated ame that all necesse date of the received and the received an	o.00 o.00 o.00 o.00 o.00 o.00 o.00 o.00	\$0 \$0 \$0 develop and impolic notifications are iew to the estimate of the state of	n/a n/a n/a n/a n/a lement procedures re provided in a tim ted date of compliar for one-time avoi \$0 \$0 \$0 \$0 \$0 \$50 \$50 \$500 \$350 \$550 dwater source samp period and \$25 per periods after the colunt to provide public	\$0 \$0 \$0 and conduct ely manner, nce. ded costs) \$0 \$0 \$0 \$0 \$0 \$50 \$500 \$350 \$53 les from each sample x 14 iform-positive
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	The delayer employee ca ANNUAL \$500 \$350 \$50 The avoided active source missed sample res	ed cost includes the training to ensurable later from the later fr	he estimated ame that all necessed date of the received from the r	o.00 o.00 o.00 o.00 o.00 o.00 o.00 o.00	\$0 \$0 \$0 \$0 develop and impolic notifications are iew to the estimate amousource samples (\$	n/a n/a n/a n/a n/a n/a n/a lement procedures re provided in a tim ted date of compliar for one-time avoi \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$50 \$50 \$500 \$350 \$50 dwater source samp period and \$25 per periods after the col ant to provide public 25 per notification :	\$0 \$0 \$0 and conduct ely manner, nce. ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$50 \$500 \$350 \$53 les from each sample x 14 iform-positive c notification x 2 missed
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Screening Da		Docket No. 2014-1227-PWS-E	PCW
Responde Case ID N	City of Fritch		Policy Revision 4 (April 2014) PCW Revision March 26, 2014
Reg. Ent. Reference N			Tew Revision Planen 20, 2014
	***		١
	Katy Montgomery		
Violation Numb Rule Cite(a)		
, Kuie Cite(30 Tex	. Admin. Code § 290.122(b)(2)(A) and (f)	
Violation Descripti	on Executive Director regar	ic notification and submit a copy of the notification to rding the failure to comply with the maximum conta total coliform during the month of July 2013.	
		Base	Penalty \$1,000
>> Environmental, Prop	erty and Human Heal	lth Matrix	
Relea	Harm se Major Modera		
OR Act		te Militor	
Potent		Percent 0.0%	
_			
>>Programmatic Matrix Falsification		te Minor	
T districted	x	Percent 15.0%	
Matrix			
Notes	100% of the	e rule requirement was not met.	
		Adjustment	\$850
NAME OF THE PARTY			\$150
			3130
Violation Events			
Number	of Violation Events 1	Number of violation da	vs
TVGITISCI .	A VIOIGOON EVENES	Name of Violation and	, ,
	daily weekly monthly		
mark only or with an x	e quarterly semiannual	Violation Base I	Penalty \$150
	annual x		WATER THE PARTY OF
	<u>-</u>		
	One sin	gle event is recommended.	
-			
		- ou	+0
Good Faith Efforts to Co	mpiy		duction \$0
	Extraordinary		
	Ordinary		
	N/A x	(mark with x)	-
	The Resp	oondent does not meet the good faith criteria for	
	Notes	this violation.	
	L		7
***************************************		Violation S	ubtotal \$150
Economic Benefit (EB) f	or this violation	Statutory Limit T	est
Estim	ated EB Amount	\$26 Violation Final Penalt	y Total \$210
	This	violation Final Assessed Penalty (adjusted for	limits) \$210

Item Cost No commas or \$	Date Required	Final Date	Yrs 1		5.0	Depreciation 1
	Date Required	Final Date	Vrs 1		ان.د	
				Interest Saved	Onetime Costs	EB Amount
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
						\$0
						\$0
						\$0
					***************************************	\$0
						\$0
						\$0
_						\$0
The delayed	cost of complian	re is cantured in			n/a orksheet for Violation	s0 n No. 1 of this
			the Ecor PCW	nomic Benefit Wo	orksheet for Violation	n No. 1 of this
			the Ecor PCW	nomic Benefit Wo '. 3 item (except	orksheet for Violation	n No. 1 of this
			the Ecor PCW entering	nomic Benefit Wo '. 3 item (except \$0	orksheet for Violation for one-time avoid \$0	n No. 1 of this ded costs) \$0
			the Ecor PCW entering 0.00	nomic Benefit Wo '. g item (except \$0 \$0	orksheet for Violation for one-time avoid \$0 \$0	n No. 1 of this ded costs) \$0 \$0
			the Ecor PCW entering 0.00 0.00	nomic Benefit Wo , g item (except \$0 \$0 \$0	orksheet for Violation for one-time avoid \$0 \$0 \$0	n No. 1 of this led costs) \$0 \$0 \$0 \$0
			the Econ PCW entering 0.00 0.00 0.00	nomic Benefit Wo '. g item (except) \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	n No. 1 of this ded costs) \$0 \$0 \$0 \$0 \$0
			the Econ PCW entering 0.00 0.00 0.00	nomic Benefit Wo , g item (except \$0 \$0 \$0	orksheet for Violation for one-time avoid \$0 \$0 \$0	n No. 1 of this led costs) \$0 \$0 \$0 \$0
				0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0	0.00 \$0 \$0 0/8

Screening Date	22-Oct-2014	Docket No. 2014-1227-PWS-E	PCW
Responden			Policy Revision 4 (April 2014)
Case ID No Reg. Ent. Reference No	333		PCW Revision March 26, 2014
	Public Water Supply		
Enf. Coordinato			THE PROPERTY OF THE PROPERTY O
Violation Numbe	<u> </u>		
Rule Cite(s	30 7	Fex. Admin. Code § 290.117(i)(6) and (j)	
	Failed to mail consume	r notification of lead tap water monitoring results to per	sons
	Harrier to the first transfer of the first t	that were sampled and failed to submit to the TCEQ a	' ' 11
Violation Descriptio	1	ication and certification that the consumer notification I persons served at the locations in a manner consistent	11
	13	equirements for the 2013 monitoring period.	
	Links in the second	Base Pe	nalty \$1,000
			11aity 31,000
>> Environmental, Prope	e rty and Human He a Hari		
Releas			
OR Actua			
Potentia	al[]	Percent 0.0%	
>>Programmatic Matrix			
Falsification			
	×L	Percent 15.0%	
Matrix Notes	100% of th	ne rule requirement was not met.	
		Adjustment	\$850
			\$150
			<u> </u>
Violation Events			
Number o	f Violation Events 1	91 Number of violation days	;
	daily		
TO THE PARTY OF TH	weekly		
mark only one	monthly		
with an x	quarterly semiannual	Violation Base Pe	nalty \$150
	annual		
THE CONTROL OF THE CO	single event x		
			
direction of the second of the	One s	ingle event is recommended.	
Good Faith Efforts to Con	nply 0	.0% Redi	irtion \$0
	Before NOE	/NOV NOE/NOV to EDPRP/Settlement Offer	
Mercale	Extraordinary Ordinary		
direction of the second of the	N/A x	(mark with x)	
	The Re	spondent does not meet the good faith criteria for	
Name of the second seco	Notes	this violation.	
	<u>L</u>		
		Violation Sul	ototal \$150
Economic Benefit (EB) fo	r this violation	Statutory Limit Te	st
	ited EB Amount	\$65 Violation Final Penalty	
	Thi	s violation Final Assessed Penalty (adjusted for li	mits) \$210

Case ID No.					ksheet		
Reg. Ent. Reference No. Media	RN101199099 Public Water S	··· vlaau					Years of
Violation No.			490000000000000000000000000000000000000	2022222222222		Percent Interest	Depreciation
						5.0	15
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
nem pescription	ing consults or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	ļ			0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0 \$0
Record Keeping System	ļ	<u> </u>		0.00	\$0 \$0	n/a n/a	\$0 \$0
Training/Sampling	ļ			0.00	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal Permit Costs	<u> </u>			0.00	\$0 \$0	n/a	\$0 \$0
Other (as needed)	<u></u>						
Other (as needed)		<u> </u>		0.00	\$0	n/a l	\$0
Notes for DELAYED costs				<u> 0.00 </u>	\$0	n/a 1	\$0
, ,	ANNUAL	IZE [1] avoided	costs before	1		n/a for one-time avoid	
Notes for DELAYED costs	ANNUAL	IZE [1] avoided	costs before	enterir 0.00	ng item (except i	For one-time avoid \$0	ded costs)
Notes for DELAYED costs Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enterir 0.00 0.00	ng item (except) \$0 \$0	for one-time avoid \$0 \$0	## (costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel	ANNUAL	IZE [1] avoided	costs before	enterir 0.00 0.00 0.00	ng item (except : \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0	### ded costs #### #### #### #### #### #### #### #### #### ######
Notes for DELAYED costs Avoided Costs Disposal Personnel	ANNUAL	IZE [1] avoided	costs before	enterir 0.00 0.00 0.00 0.00	ng Item (except \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	ded costs) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]				enterir 0.00 0.00 0.00 0.00	ng item (except) \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL \$60	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00 0.00 1.73	ng item (except \$0	For one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	\$60	31-Dec-2013	22-Oct-2014	enterir 0.00 0.00 0.00 0.00 0.00 1.73 0.00	so s	For one-time avoid \$0 \$0 \$0 \$0 \$0 \$60 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$60 The avoided 2013 monito	31-Dec-2013 I cost includes the ring period to per	22-Oct-2014 e estimated amo sons served at	enterir 0.00 0.00 0.00 0.00 1.73 0.00 0.00 0.00 the location	ng item (except \$0 \$0 \$0 \$0 \$0 \$5 \$0 prepare and mail	For one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$60 \$0 the consumer notification and to the To	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$65 \$0 cation for the CEQ ((\$0.50 x
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$60 The avoided 2013 monito	31-Dec-2013 I cost includes the ring period to per	22-Oct-2014 e estimated amo sons served at tone monitoring	enterir 0.00 0.00 0.00 0.00 1.73 0.00 0.00 0.00 0.00 0.00 0.00 0.00	ng item (except \$0 \$0 \$0 \$0 \$0 \$5 \$0 prepare and mail	For one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$60 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$65 \$0 cation for the CEQ ((\$0.50 x

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



CEQ Compliance History Report

PENDING Compliance History Report for CN600630453, RN101199099, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, CN600630453, City of Fritch

Classification: SATISFACTORY

Rating: 4.50

or Owner/Operator: Regulated Entity:

RN101199099, FRITCH MUNICIPAL

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points:

N/A

Repeat Violator: N/A

CH Group:

14 - Other

WATER SUPPLY

Location:

INTERSECTION OF PIONEER STREET AND HACKBERRY STREET, FRITCH, HUTCHINSON COUNTY, TEXAS

TCEQ Region:

REGION 01 - AMARILLO

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1170004

Compliance History Period: September 01, 2009 to August 31, 2014

Rating Year: 2014

Rating Date: 09/01/2014

Date Compliance History Report Prepared: October 22, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 22, 2009 to October 22, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Katy Montgomery

Phone: (210) 403-4016

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

NO

3) If **YES** for #2, who is the current owner/operator?

4) If **YES** for #2, who was/were the prior owner(s)/operator(s)?

N/A

5) If **YES**, when did the change(s) in owner or operator occur?

N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

Effective Date: 05/11/2013

ADMINORDER 2012-1905-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

30 TAC Chapter 290, SubChapter F 290.110(b)(2)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: The City of Fritch failed to maintain chlorine residual level at or above 0.2 mg/l.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(C)

5A THSC Chapter 341, SubChapter A 341.033(a)

Description: The City of Fritch failed to assign a licensed PWS operator to conduct the required process control duties.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 February 24, 2012

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

(987346)

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

Date:

11/07/2013 (1197970)

CN600630453

Moderate

Moderate

Moderate

Moderate

Self Report? NO Citation:

Classification: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

MAY/2013 GWR Triggered Source Monitoring PN Posting and Reporting Violation -

Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to

conduct triggered source monitoring for the month of 05/2013.

2

Date:

11/20/2013 (1197970)

CN600630453

Classification:

Classification:

Self Report? Citation:

30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

JUL/2013 TCR MCL PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a maximum contaminant level violation during the

month of 07/2013.

3

Date: 01/09/2014 (1197970)

NO

CN600630453

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

Citation:

JUL/2013 GWR Triggered Source Monitoring PN Posting and Reporting Violation -Failure to submit a signed certificate of delivery to the Executive Director

certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to

conduct triggered source monitoring for the month of 07/2013.

02/12/2014 (1145366) Date:

CN600630453

Self Report? NO

Classification: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Citation: Description:

The facility failed to provide an accurate and up to date map of the distribution

system combining both the Fritch MWS and former Hi-Texas portions of the

distribution system.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(i)

Description:

The facility failed to ensure that a cross-connection and backflow prevention

program was conducted.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)(1)(C)

The facility failed to ensure that all instruments and controls on the system Description:

storage tanks work properly. The facility failed to maintain the altitude valve in the elevated storage tank and failed to maintain the water level indicator probes

in the 0.400 MG Ground Storage Tank.

Self Report? Citation:

Classification: Moderate

30 TAC Chapter 290, SubChapter D 290.46(m)(6)

The facility failed to maintain the system pumps, motors and valves in good Description:

working condition.

Self Report?

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(6)

Description:

The facility failed to provide effective circulation of water within the distribution system. With only one interconnection between the former Hi-Texas portion of

the distribution system and the rest of the Fritch MWS, effective circulation and pressure maintenance within the distribution system has not been possible. Classification: Moderate

Self Report?

30 TAC Chapter 290, SubChapter D 290.46(e)(4)(C) Citation:

The facility failed to employ at least two operators who hold a Class "C" or higher Description: groundwater license. The Fritch MWS currently employs one "D" license. Both

Mr. Zink and Mr. Benge have expired "D" licenses and pending "C" licenses. Classification: Moderate

Page 2

Self Report?

Citation:

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(II)

Description:

The facility failed to maintain a record of the amount of water treated each day.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A All NOVs Issued During Component Period 10/22/2009 and 10/22/2014 05/25/2010 CN600630453 1 Date: (802868)Classification: Moderate For Informational Purposes Only NO Self Report? 30 TAC Chapter 290, SubChapter D 290.46(I) Citation: Description: Failiure by the facility to flush dead ends on monthly basis. Classification: Moderate For Informational Purposes Only Self Report? 30 TAC Chapter 290, SubChapter D 290.46(j) Citation: Description: Failure by the facility to have available, an individual with credentials allowing them to conduct customer service inspections. (1197970)CN600630453 2 Date: 01/14/2011 Classification: Moderate For Informational Purposes Only Self Report? 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B) Citation: 30 TAC Chapter 290, SubChapter F 290.109(e) GWR Triggered Source MR Violation 09/2010 - Failure to collect and/or report all Description: triggered source monitoring samples following a coliform found result for 4 sources within the required timeline. (1197970)CN600630453 3 Date: 08/01/2013 Classification: Moderate For Informational Purposes Only NO Self Report? 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B) Citation: 30 TAC Chapter 290, SubChapter F 290.109(e) GWR Triggered Source MR Violation 05/2013 - Failure to collect and/or report all Description: triggered source monitoring samples following a coliform found result for 9 sources within the required timeline. 08/02/2013 (1094557)CN600630453 Date: Classification: Moderate For Informational Purposes Only NO Self Report? 30 TAC Chapter 290, SubChapter D 290,41(c)(3)(N) Citation: The facility failed to provide a flow measuring device on wells # 1, 3, 4, 5, & 6 in Description: the Hi-Texas portion of the system. Classification: Moderate For Informational Purposes Only Self Report? 30 TAC Chapter 290, SubChapter D 290.43(c)(8) Citation: The facility failed to maintain the system storage tanks in accordance with current Description: AWWA standards. The system failed to maintain the Elevated Storage Tank water level float system. The system failed to maintain the 0.400 MG Ground Storage Tank ventilation The system failed to maintain the air lines and air compressor on the 0.018 MG pressure tank. The system failed to maintain the access ladder, roof hatch, and water level indicator on the 0.045 MG Ground Storage Tank The sv Classification: Moderate For Informational Purposes Only Self Report? NO 30 TAC Chapter 290, SubChapter D 290.46(t) Citation: The facility failed to post a legible sign at Well #6 that provides the name of the Description: water supply and an emergency telephone number where a resposible official can

> be contacted. Classification:

For Informational Purposes Only Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description:

The facility failed to provide an accurate and up to date map of the distribution system combining both the Fritch MWS and former Hi-Texas portions of the

Moderate

distribution system.

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

NO

NO

NO

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description:

The facility failed to provide a secure enclosure or intruder-resistant fence for well

Classification:

Moderate

Self Report? NO For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(i)

Description:

The facility failed to ensure that a cross-connection and backflow prevention

program was conducted.

Classification:

Self Report? NO For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.43(c)(6)

Description:

The facility failed to maintain the 0.045 MG Ground Storage Tank tight against

leakage. Several small leaks and other indications of corrosion were observed on

the exterior of the tank.

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)(1)(C)

Description:

The facility failed to ensure that all instruments and controls on the system storage tanks work properly. The facility failed to maintain the altitude valve in the elevated storage tank and failed to maintain the water level indicator probes in the 0.400 MG Ground Storage Tank.

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description:

The facility failed to conduct an inspection on each of the system's ground and

pressure storage tanks annually.

Classification: Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)(6)

Description:

The facility failed to maintain the system pumps, motors and valves in good

working condition.

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.44(d)(6)

Description:

The facility failed to provide effective circulation of water within the distribution system. With only one interconnection between the former Hi-Texas portion of the distribution system and the rest of the Fritch MWS, effective circulation and pressure maintenance within the distribution system has not been possible.

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(r)

Description:

The facility failed to provide a minimum pressure of 35 psi throughout the

distribution system.

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description:

The facility failed to make readily available Self-Contained Breathing Apparatus' outside the chlorinator rooms and immediately available to the operators in the

event of an emergency.

Classification:

Moderate

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(e)(4)(C)

Description:

The facility failed to employ at least two operators who hold a Class "C" or higher groundwater license. The Fritch MWS currently employs one "D" license. Both Mr. Zink and Mr. Benge have expired "D" licenses and pending "C" licenses. Classification:

Self Report? NO For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.43(c)(2)

Description:

The facility failed to secure with a lock, access hatches on the system Elevated

and 0.400 MG Ground Storage Tank.

Classification:

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(II)

Description:

The facility failed to maintain a record of the amount of water treated each day.

5* Date: 09/26/2013

(1197970)

CN600630453

Moderate

NO Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)

30 TAC Chapter 290, SubChapter F 290.109(e)

Description:

GWR Triggered Source MR Violation 07/2013 - Failure to collect and/or report all triggered source monitoring samples following a coliform found result for 9

sources within the required timeline.

6*

Date:

11/07/2013

(1197970)

CN600630453

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

MAY/2013 GWR Triggered Source Monitoring PN Posting and Reporting Violation -Failure to submit a signed certificate of delivery to the Executive Director

certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to

conduct triggered source monitoring for the month of 05/2013.

11/20/2013 Date:

(1197970)

CN600630453

Classification:

Moderate

Self Report? NO For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

JUL/2013 TCR MCL PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a maximum contaminant level violation during the

month of 07/2013.

8*

01/09/2014

(1197970)

CN600630453

Classification:

Moderate

Date:

Self Report? NO

For Informational Purposes Only 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Citation:

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

JUL/2013 GWR Triggered Source Monitoring PN Posting and Reporting Violation -Failure to submit a signed certificate of delivery to the Executive Director

certifying that public notice was issued pursuant to 30 Tex. Admin. Code \$290.122 during the time period that public notice was required for failing to

conduct triggered source monitoring for the month of 07/2013.

Date:

02/12/2014

(1145366)

CN600630453

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description:

The facility failed to provide an accurate and up to date map of the distribution system combining both the Fritch MWS and former Hi-Texas portions of the

distribution system.

Classification:

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(i)

Description:

The facility failed to ensure that a cross-connection and backflow prevention program was conducted.

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)(1)(C)

Description:

The facility failed to ensure that all instruments and controls on the system storage tanks work properly. The facility failed to maintain the altitude valve in the elevated storage tank and failed to maintain the water level indicator probes in the 0.400 MG Ground Storage Tank.

Classification:

Moderate

Self Report?

NO

For Informational Purposes Only

Citation:

. ...

30 TAC Chapter 290, SubChapter D 290.46(m)(6)

Description:

The facility failed to maintain the system pumps, motors and valves in good

working condition.

Classification:

Moderate

Self Report? NO

For Informational Purposes Only

Citation: 3

30 TAC Chapter 290, SubChapter D 290.44(d)(6)

Description:

The facility failed to provide effective circulation of water within the distribution system. With only one interconnection between the former Hi-Texas portion of the distribution system and the rest of the Fritch MWS, effective circulation and pressure maintenance within the distribution system has not been possible.

Classification:

Moderate

Self Report?

NO

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(e)(4)(C)

Description:

The facility failed to employ at least two operators who hold a Class "C" or higher

groundwater license. The Fritch MWS currently employs one "D" license. Both Mr. Zink and Mr. Benge have expired "D" licenses and pending "C" licenses.

Classification: Moderate

Self Report?

t? NO

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(II)

Description:

The facility failed to maintain a record of the amount of water treated each day.

Appendix B

All Investigations Conducted During Component Period October 22, 2009 and October 22, 2014

Item 1	May 26, 2010**	(802868) For Informational	Purposes	
Item 2*	February 24, 2012**	(987346) For Informational	Purposes	Access Section 1
Item 3	February 12, 2014**	(1145366) For Informational	Purposes	
Item 4	August 12, 2014**	(1186689) For Informational	Purposes	
Item 5	October 07, 2014	(1197970) For Informational	Purposes	American Security Sec
Item 6	October 10, 2014	(1198160) For Informational	Purposes	

^{*} No violations documented during this investigation

^{*} NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

^{**}Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.

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	rf.		

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF FRITCH	§	
RN101100000	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2014-1227-PWS-E

At its	agenda, the Texas Commission on Environmental Quality
("the Commission" or "TCEQ"	') considered this agreement of the parties, resolving an
enforcement action regarding the	e City of Fritch (the "Respondent") under the authority of TEX.
HEALTH & SAFETY CODE ch. 341.	The Executive Director of the TCEQ, through the Enforcement
Division, and the Respondent pre	esented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at the intesection of Pioneer Street and Hackberry Street in Fritch, Hutchinson County, Texas (the "Facility") that has approximately 2,474 service connections and serves at least 25 people per day for at least 60 days per year.

- 2. During an investigation conducted on May 28, 2013 and a record review conducted on August 11, 2014, TCEQ staff documented that Service Pump No. 3 at Pump Station No. 1 has not been maintained in working condition, Service Pump No. 2 is maintained as a back up for Service Pump No. 1, but it is not able to operate at full capacity, Service Pump Nos. 2 and 3 are leaking even when not running and the valve that controls the flow of water into the 0.045 million gallon ("MG") ground storage tank is not functioning.
- 3. During an investigation conducted on May 28, 2013 and a record review conducted on August 11, 2014, TCEQ staff documented that effective circulation and pressure maintenance within the distribution system has not been possible due to having only one interconnection between the former Hi-Texas portion of the distribution system and the rest of the Fritch municipal water supply.
- 4. During an investigation conducted on May 28, 2013 and a record review conducted on August 11, 2014, TCEQ staff documented that the Respondent employs one water works operator with a Class "C" license.
- 5. During a record review conducted from September 29, 2014 through October 10, 2014, TCEQ staff documented that the Respondent collected three of the four required raw groundwater source *Escherichia coli* samples for the month of September 2010, 12 of the required 32 raw groundwater source *Escherichia coli* samples for the four positive results during the month of May 2013 and two of the required 16 raw groundwater source *Escherichia coli* samples for the eight positive results during the month of July 2013, and did not provide public notification or submit a copy of the notification to the Executive Director regarding the failure to collect raw groundwater source *Escherichia coli* samples for the months of May and July 2013.
- 6. During a record review conducted from September 29, 2014 through October 10, 2014, TCEQ staff documented that the Respondent did not provide public notification or submit a copy of the notification to the Executive Director regarding the failure to comply with the maximum contaminant level for total coliform during the month of July 2013.
- 7. During a record review conducted from September 29, 2014 through October 10, 2014, TCEQ staff documented that the Respondent did not mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and did not submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements for the 2013 monitoring period.
- 8. The Respondent received notices of the violations on August 14, 2014 and October 15, 2014.

II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 2, the Respondent failed to maintain pumps, motors, valves and other mechanical devices in good working condition, in violation of 30 Tex. Admin. Code § 290.46(m)(6).
- 3. As evidenced by Findings of Fact No. 3, the Respondent failed to design the system to afford effective circulation of water with a minimum of dead ends, in violation of 30 TEX. ADMIN. CODE § 290.44(d)(6).
- 4. As evidenced by Findings of Fact No. 4, the Respondent failed to operate the Facility under the direct supervision of at least two water works operators who hold a Class "C" or higher license, in violation of 30 Tex. ADMIN. CODE § 290.46(e)(4)(C) and Tex. Health & Safety Code § 341.033(a).
- 5. As evidenced by Findings of Fact No. 5, the Respondent failed to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive result on a routine sample and failed to provide public notification and submit a copy of the notification to the Executive Director regarding the failure to collect raw groundwater source *Escherichia coli* samples, in violation of 30 Tex. Admin. Code §§ 290.109(c)(4)B) and 290.122(c)(2)(A) and (f).
- 6. As evidenced by Findings of Fact No. 6, the Respondent failed to provide public notification and submit a copy of the notification to the Executive Director regarding the failure to comply with the maximum contaminant level for total coliform, in violation of 30 Tex. Admin. Code § 290.122(b)(2)(A) and (f).
- 7. As evidenced by Findings of Fact No. 7, the Respondent failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements, in violation of 30 Tex. ADMIN. CODE § 290.117(i)(6) and (j).
- 8. Pursuant to Tex. Health & Safety Code § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 9. An administrative penalty in the amount of Three Thousand Two Hundred Twenty Dollars (\$3,220) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049(b). The

Respondent has paid the Three Thousand Two Hundred Twenty Dollar (\$3,220) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Three Thousand Two Hundred Twenty Dollars (\$3,220) as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Fritch, Docket No. 2014-1227-PWS-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Begin maintaining pumps, motors, valves and other mechanical devices in good working condition, including but not limited to maintaining Service Pump No. 3 at Pump Station No. 1, repairing Service Pump No. 2 so that it is able to operate at full capacity and serve as a back up for Service Pump No. 1, repairing the leaks from Service Pump Nos. 2 and 3 and repairing the valve that controls the flow of water into the 0.045 MG ground storage tank, in accordance with 30 Tex. Admin. Code § 290.46;
 - ii. Commence operating the Facility under the direct supervision of two water works operators who hold a Class "C" or higher license, in accordance with 30 Tex. Admin. Code § 290.46;
 - iii. Begin complying with applicable coliform monitoring requirements by collecting one raw groundwater source *Escherichia coli* sample from each groundwater source in use at the time the distribution coliform-positive sample was collected and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 Tex. Admin.

CODE § 290.109. This provision will be satisfied upon six months of compliant monitoring and reporting;

- iv. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility with a copy to the Executive Director, including but not limited to providing public notification regarding the failure to collect raw groundwater source *Escherichia coli* samples and the failure to comply with the maximum contaminant level for total coliform, in accordance with 30 Tex. ADMIN. CODE § 290.122; and
- v. Mail one copy of the consumer notification of lead tap water monitoring results to persons served at the locations that were sampled for the most recent monitoring period in which lead samples were collected, in accordance with 30 Tex. ADMIN. CODE § 290.117.
- b. Within 45 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in Ordering Provision No. 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i., 2.a.ii., 2.a.iv. and 2.a.v.; and
 - ii. Submit to the Commission a copy of the consumer notification of lead tap water monitoring results provided to the persons served at the locations that were sampled and the certification that the consumer notification has been distributed to said persons in a manner consistent with TCEQ requirements, in accordance with 30 Tex. ADMIN. CODE § 290.117. The copy of the consumer notification and the certification shall be mailed to:

Lead and Copper Coordinator Public Drinking Water Section Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- c. Within 60 days after the effective date of this Agreed Order,
 - i. Submit written certification as described in Ordering Provision No. 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii.; and
 - ii. Provide effective circulation and pressure maintenance within the distribution system, in accordance with 30 Tex. ADMIN. CODE § 290.44.

- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.ii.; and
- e. Within 225 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.iii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section Manager Amarillo Regional Office Texas Commission on Environmental Quality 3918 Canyon Drive Amarillo, Texas 79109-4933

and to:

Public Drinking Water Section Manager Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any

other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Pamos Marcieg	4/7/15
For the Executive Director	Date
I, the undersigned, have read and understand the City of Fritch. I am authorized to agree to the a Fritch, and do agree to the specified terms and TCEQ, in accepting payment for the penalt representation.	ttached Agreed Order on behalf of the City of l conditions. I further acknowledge that the
I understand that by entering into this Agree procedural rights, including, but not limited to, the by this Agreed Order, notice of an evidentiary he the right to appeal. I agree to the terms of the Arms Agreed Order constitutes full and final adjudit forth in this Agreed Order.	te right to formal notice of violations addressed earing, the right to an evidentiary hearing, and agreed Order in lieu of an evidentiary hearing.
 additional penalties, and/or attorney fees, Increased penalties in any future enforcem Automatic referral to the Attorney Generand TCEQ seeking other relief as authorized by In addition, any falsification of any compliance do 	nay result in: s submitted; eneral's Office for contempt, injunctive relief, or to a collection agency; nent actions; ral's Office of any future enforcement actions; y law.
W. W. Signature	1-5-15 Date
W. Kelly Henderson Name (Printed or typed) Authorized Representative of City of Fritch	Title Mayor

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.